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Dkt. #850-PCT-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : John H. HEALEY and Gene R. DIRESTA  
U.S. Serial No. : 09/890,116 Examiner: Donna A.  
Jagoe  
Filing Date : November 20, 2001 Art Unit: 1614  
For : ANTI-RESORPTIVE BONE CEMENTS AND  
ALLOGENEIC, AUTOGRAFIC, AND XENOGRAFIC  
BONE GRAFTS

Law Offices of Albert Wai-Kit Chan, LLC  
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October 21, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**COMMUNICATION TO MEMORALIZE THE OCTOBER 21, 2004 TELEPHONE  
INTERVIEW BETWEEN OUR OFFICE AND THE EXAMINER**

This Communication is being submitted to memorialize the October 21, 2004 telephone interview with Examiner Jagoe. There is no deadline for filing this Communication. Accordingly, this Communication is being timely filed.

During the telephone interview the following items were discussed:

1. Whether the limitation, i.e. "wherein the amount of anti-resorptive agent does not weaken the bone-cement component or interfere with polymerization reaction of the bone-cement component," recited in claims 77 and 93 and the support in the specification is sufficient to overcome the § 103 rejection set forth by the Examiner in the June 24, 2004 Office Action.

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2. Examiner indicated that a new search will be performed to determine whether there are any prior art that disclose bone cement with anti-resorptive agent.
3. Examiner was informed that new claims 116 and 118 should refer to claim 38 and not to claim 1, and the typographical errors have been noted by the Examiner.

The Examiner indicated that an Interview Summary will be mailed to our office, and that she will contact our office if after reviewing the case she determines that there is allowable subject matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Albert Wai-Kit Chan 10/21/04  
Albert Wai-Kit Chan Date  
Reg. No. 36,479

Respectfully submitted,  
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